

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Herbert L. Miller,	)	C/A No. 4:15-4514-TMC-TER
	)	
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
Dr. T. Jacobs, and Dr. Barry Weissglass;	)	
	)	
Defendants.	)	
_____	)	

This case is before the Court because of Plaintiff’s failure to comply with the magistrate judge’s Order of December 30, 2015. (ECF No. 6).

A review of the record indicates that by Order dated December 30, 2015, the magistrate judge directed Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed without prejudice. The Court has not received any response from Plaintiff to the proper form order, but the mail in which the Order was sent to Plaintiff at the address provided when the case was filed was returned as “undeliverable.” The proper form order was mailed to Plaintiff’s attention at the Charleston County Detention Center which is the only address that Plaintiff provided when he filed this case.

Plaintiff’s failure to provide the Court with an updated address upon his release from detention center custody indicates an intent to not continue prosecuting this case, and subjects this case to dismissal. See Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); see also Chandler Leasing Corp. v. Lopez, 669 F.2d 919,

920 (4th Cir. 1982)(court may dismiss sua sponte).

Accordingly, this case is **DISMISSED without prejudice**. The Clerk of Court shall close the file.<sup>1</sup>

**IT IS SO ORDERED.**

February 26, 2016  
Greenville, South Carolina

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

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<sup>1</sup>Under General Order, Misc. No. 3:07-5014-JFA, this dismissal without prejudice does not count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he may obtain new forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).